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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
The North American Numbering)
Council (NANC) Issues)
Recommendations Regarding)
The Implementation of)
Telephone Number Portability)
60 Day Time Period During)
Which States May Elect to)
Opt Out of Regional Number)
Portability Database System)
Commences; Common Carrier)
Bureau Seeks Comments on)
The NANC's Recommendations)

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CC Docket No. 95-116

COMMENTS OF THE
CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION

Pursuant to the Commission's Rules, the Cellular
Telecommunications Industry Association ("CTIA")¹ hereby
submits its comments in this proceeding.² While CTIA
supports the recommendations submitted to the Commission by
the North American Numbering Council ("NANC"), the NANC must

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service ("CMRS") providers, including 48 of the 50 largest cellular, broadband personal communications services ("PCS"), enhanced specialized mobile radio, and mobile satellite services. CTIA represents more broadband PCS carriers and more cellular carriers than any other trade association.

² Public Notice, "The North American Numbering Council (NANC) Issues Recommendations Regarding The Implementation of Telephone Number Portability; 60 Day Time Period During Which States May Elect to Opt Out of Regional Number Portability Database System Commences; Common Carrier Bureau Seeks Comments on The NANC's Recommendations," DA 97-916, May 2, 1997.

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refine portions of its recommendations to take into consideration concerns of the wireless industry.

Additionally, the Commission should refrain from adopting any assumptions or directives recommended by the NANC that discriminate against the wireless industry.

I. ANY WORK PLAN FOR IMPLEMENTING NUMBER PORTABILITY MAY NOT BE CONSIDERED COMPLETE UNTIL WIRELESS CONCERNS ARE ADDRESSED

In its recommendations to the Commission on local number portability ("LNP")³ the NANC specifically noted that "The work plan executed by the LNPA Selection Working Group and related Task Forces was directed primarily to the wireline portion of the industry and did not fully address wireless concerns. . . . Therefore, modifications . . . may be required to support wireless number portability."⁴ Hence, several major portions of the NANC recommendations contain significant "holes" with regard to LNP implementation from the wireless industry's perspective. For instance, the Architectural Report,⁵ adopted and incorporated by the LNP Report, explicitly indicates that it includes only wireline "assumptions" in its analysis and recommendations.⁶ Additionally, the Technical & Operational

³ See *Local Number Portability Selection Working Group Report*, April 25, 1997 ("LNP Report").

⁴ LNP Report at ¶ 3.1.

⁵ See *Architecture & Administrative Plan for Local Number Portability*, April 23, 1997 ("Architectural Report").

⁶ Architectural Report at § 7.

Requirements Report,⁷ also adopted and incorporated by the LNP Report, leaves untouched issues crucial to the wireless industry, such as how the differences between service area boundaries for wireline versus wireless services will be accounted for, and how number portability will be implemented in a roaming environment.

The Commission has stated that one of its goals in adopting regulations to implement number portability is to "ensur[e] the interoperability of networks."⁸ Furthermore, the NANC has adopted the policy objective of ensuring that the North American Numbering Plan ("NANP") "does not unduly favor or disfavor any particular industry segment or group of consumers."⁹ Although, as noted in the LNP Report, CTIA and other industry groups are currently addressing technical solutions for implementing wireless number portability, it is crucial that such solutions be incorporated into the overall LNP work plan before any such plan may be considered complete. A wireline solution that does not include wireless networks will not achieve the Commission's goals of interoperability and nondiscrimination. The NANC should address wireless concerns as soon as possible to ensure that the implementation plan adopted for LNP does not

⁷ See LNPS Technical & Operational Requirements Task Force Report ("T&O Report").

⁸ Telephone Number Portability, First Report and Order and Further Notice of Proposed Rulemaking, FCC 96-286 at ¶ 37 (July 2, 1996).

⁹ Charter for the North American Numbering Council at ¶ B.

inadvertently preclude the wireless industry from participating.

II. THE COMMISSION SHOULD REFRAIN FROM ADOPTING ANY ASSUMPTIONS OR DIRECTIVES RECOMMENDED BY THE NANC THAT DISCRIMINATE AGAINST THE WIRELESS INDUSTRY

In addition to ensuring that wireless concerns are addressed in a timely and thorough manner, the Commission also should refrain from adopting any directives or assumptions in the current recommendations that would discriminate against the wireless industry. For instance, in its Architectural Report, the NANC adopts the assumption that "Unless specified in business arrangements, carriers may block default routed calls incoming to their network in order to protect against overload, congestion, or failure propagation that are caused by defaulted calls."¹⁰ Although the Report states that the specification was developed primarily from a wireline number portability perspective, issues such as default routing will significantly affect wireless carriers. Under the Commission's rules, wireless carriers are required to have the capability to deliver calls to ported numbers by December 31, 1998, whereas wireline carriers must begin the phased deployment of a long-term portability method in the top 100 Metropolitan Statistical Areas ("MSAs") no later than October 1, 1997. However, even if number portability is limited initially to the wireline network, CMRS providers must still modify their

¹⁰ Architectural Report at ¶ 7.10.

method of routing calls from their CMRS customers to wireline customers who have ported their numbers. During the period prior to Dec. 31, 1998, then, wireless carriers that have not yet implemented Location Routing Number ("LRN") systems will be required to rely on default routing to conduct queries. Given that wireless carriers often will be relying solely on LECs to conduct the queries necessary to complete calls, at no time should default routed calls be blocked. Allowing incumbent LECs to block default routed calls when they may be acting as the only means of conducting a query and, thus, allowing a call to be completed, would discriminate against wireless carriers in contravention of the 1996 Telecommunications Act and the policy objectives of the NANP in general.¹¹

Additionally, aspects of the Local Number Portability Administrator ("LNPA") selection process run the risk of limiting wireless participation, in contravention of the goal that all segments of the industry be represented in the decisionmaking process regarding numbering issues such as

¹¹ The Architectural Report also notes that the issue of number pooling is outside the scope of that Task Force and, hence, is not discussed. The Commission should be aware, however, that certain states (i.e., Illinois and Pennsylvania) are moving toward mandating number pooling. This method of number conservation requires that number portability also be supported. Given the staggered implementation dates of wireless versus wireline number portability, mandating number pooling would unfairly disadvantage wireless carriers in their ability to have access to increasingly scarce number resources. This result also exemplifies how the failure to consider unique wireless circumstances can result in discriminatory practices.

the LNPA selection process.¹² In particular, the NANC determined that Limited Liability Corporations ("LLCs") would constitute the best organizational form for implementing the LNPA selection activities.¹³ The NANC stated that membership in the LLC is open to incumbents, as well as to "any new entrant into the business of local exchange service."¹⁴ Additionally, the NANC stated that "All of the LLCs are open to CMRS provider membership at such time as they intend to or are porting numbers."¹⁵ Such limitations on membership in the LLCs may discriminate against wireless carriers and should be eliminated.

First, although the prospect of carriers providing "wireless local loop" service continues to grow, such service is not yet a reality. As a result, limiting participation in the body that will have direct influence over LNP administration to those carriers that provide local exchange service would preclude the wireless industry from participation in this process, in addition to other new entrants and LEC competitors, on a discriminatory and unfounded basis. Although the language of the Report

¹² Administration of the North American Numbering Plan, Report and Order, FCC 95-283 at ¶ 47 (Jul. 13, 1995) (noting that the NANC will draw from all segments of the industry, including Wireless Service Providers).

¹³ LNP Report at ¶ 4.3. Such activities include a pre-screening process, negotiation of a master contract, and on-going supervision of the LNPA.

¹⁴ LNP Report at ¶ 4.4.1.

¹⁵ Id. at ¶ 4.4.3.

attempts to clarify the role of CMRS participation in LLCs¹⁶ the Commission should clarify that any language limiting membership in the LLCs should be consistent with the competitive neutrality criteria and should not discriminate against any segment of the industry.

CMRS membership in the LLCs also should not be limited to those carriers that "intend to or are porting numbers." According to the Commission's implementation schedule, by June 30, 1999, CMRS providers must (1) offer service provider portability in the 100 largest MSAs, and (2) be able to support nationwide roaming. CMRS carriers need only deploy LNP by this deadline in the 100 largest MSAs in which they have received a specific request at least nine months before the deadline. Additional switches within the 100 largest MSAs must be deployed upon request on less stringent timetables.¹⁷ Given the predicted small demand for ported wireless numbers, many wireless carriers may not intend to port wireless numbers for quite some time if they have received no requests. In contrast, wireless carriers still must complete calls to ported wireline subscribers either by establishing business arrangements with a LEC or performing their own queries. In either instance, wireless carriers will be impacted by the actions of the LNP Administrator. As such, all wireless carriers should have the ability to

¹⁶ See discussion *infra*.

¹⁷ Number Portability, *First Memorandum Opinion and Order on Reconsideration*, FCC 97-74 at ¶ 137 (Mar. 11, 1997).

participate in the LLCs since, regardless of whether they intend to port wireless numbers, wireless carriers will be directly affected by the actions of the LNP Administrator.

Both of the provisions discussed herein limit membership to the LLCs on a discriminatory basis. The Commission should direct the NANC to review the section of the LNP Report entitled, "LLC Attributes Complying with the Competitive Neutrality Criteria," so that such limitations are eliminated and membership is opened to all carriers affected by number portability.

CONCLUSION

For the reasons discussed above, the Commission should ensure that the NANC recommendations are refined in a timely manner to reflect wireless industry concerns. Furthermore, the Commission should refrain from adopting any of the recommendations that discriminate against the wireless industry.

Respectfully submitted,



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